

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #07	CCRB Case #: 202002227	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/07/2020 6:05 PM	Location of Incident: Front of 821 Greene Avenue	18 Mo. SOL 4/24/2022	Precinct: 81		
Date/Time CV Reported Sun, 03/08/2020 1:39 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/18/2020 2:45 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Job Bellevue	16310	945501	081 PCT
2. POM Dylan Mattern	26213	964150	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Michael Swift	26931	931288	081 PCT
2. POM Andrew Fredrickson	03273	956659	081 PCT
3. POM Stefan Weaver	12423	965901	081 PCT
4. SGT Jared Fink	05530	950413	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Job Bellevue	Abuse: Police Officer Job Bellevue did not obtain medical treatment for § 87(2)(b)	
B.POM Dylan Mattern	Abuse: Police Officer Dylan Mattern did not obtain medical treatment for § 87(2)(b)	
C.POM Dylan Mattern	Discourtesy: Police Officer Dylan Mattern spoke discourteously to § 87(2)(b)	
D.POM Job Bellevue	Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b)	
E.POM Job Bellevue	Abuse: Police Officer Job Bellevue threatened to arrest § 87(2)(b)	
F.POM Job Bellevue	Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b)	
G.POM Job Bellevue	Abuse: Police Officer Job Bellevue threatened to arrest § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

§ 87(2)(b) filed this complaint with the NYPD Internal Affairs Bureau on March 18, 2020 (BR1).

On March 7, 2020, § 87(2)(b) was going to see her friend, § 87(2)(b). On her way, two civilians accused her of stealing a package and attacked her. Police Officer Job Bellevue and Police Officer Dylan Mattern, both of the 81 Precinct, responded to the dispute in front of § 87(2)(b) in Brooklyn. The officers investigated the situation and determined that § 87(2)(b) stole the package. § 87(2)(b) came out of his house, attempted to calm § 87(2)(b) and began fighting with one of the other civilians.

§ 87(2)(b) and § 87(2)(b) said that § 87(2)(b) requested her asthma pump on the street. PO Bellevue and PO Mattern heard § 87(2)(b) indicate that she was having health issues, but did not obtain medical attention for her (**Allegation A and B: Abuse of Authority**, § 87(2)(g)). When responding to § 87(2)(b) requests for her asthma pump, PO Mattern spoke discourteously (**Allegation C: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) and § 87(2)(b) were arrested and taken back to the stationhouse. § 87(2)(b) said that PO Bellevue was angry at having to work overtime and cursed at him about it (**Allegation D: Discourtesy**, § 87(2)(g)). While in the holding cells, § 87(2)(b) alleged that PO Bellevue threatened to arrest him in the future on a felony (**Allegation E: Abuse of Authority**, § 87(2)(g)) and used profanity when speaking to § 87(2)(b) (**Allegation F: Discourtesy**, § 87(2)(g)). PO Bellevue stated that he could arrest § 87(2)(b) in the future if she was trespassing and stealing packages (**Allegation G: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(g), § 87(4-b)

The investigation received body-worn camera footage from PO Bellevue (BR2), PO Mattern (BR3), Police Officer Michael Swift (BR4), and Police Officer Andrew Fredrickson (BR5), all of the 81 Precinct.

Findings and Recommendations

Allegation A-Abuse of Authority: Police Officer Job Bellevue did not obtain medical treatment for § 87(2)(b).

Allegation B- Abuse of Authority: Police Officer Dylan Mattern did not obtain medical treatment for § 87(2)(b).

Allegation C- Discourtesy: Police Officer Dylan Mattern spoke discourteously to § 87(2)(b).

On March 7, 2020, § 87(2)(b) was going to visit her friend, § 87(2)(b) who lives at § 87(2)(b). Before she arrived, two male civilians accused her of stealing a package on the ground. They subsequently choked and dragged § 87(2)(b) causing her to have an asthma attack. She maintained that she never stole a package (BR6). § 87(2)(b) heard yelling and went outside to see one of the male civilians twisting § 87(2)(b) arm. § 87(2)(b) intervened on behalf of § 87(2)(b) and one of the other male civilians attacked § 87(2)(b) (BR7).

PO Bellevue and PO Mattern responded to a call for a dispute in front of § 87(2)(b) at 18:05 (BR8). PO Bellevue said that they were in the vicinity and saw the two male civilians flag down their car (BR9). PO Mattern told the CCRB that he recognized § 87(2)(b) as someone he knows to steal packages in this area. PO Mattern said that he and PO Bellevue worked to separate the parties while § 87(2)(b) stated that she was not stealing the packages (BR10). PO Mattern and PO Bellevue said they saw the name on the package did not match the name on § 87(2)(b) identification and determined that she was indeed stealing the package (BR9; BR10). § 87(2)(b) was arrested for petit larceny and stood handcuffed on the street (BR11).

§ 87(2)(b) told the investigation that she told PO Bellevue that she needed medical attention because of her asthma and needed her asthma pump (BR6). § 87(2)(b) said he told PO Bellevue that she needed her asthma pump (BR7). § 87(2)(b) and § 87(2)(b) said that PO Bellevue ignored these requests for medical help (BR6; BR7).

At the scene of the arrest, PO Bellevue heard § 87(2)(b) state she wanted to see a doctor and go to the hospital. PO Bellevue did not remember why she said she needed a doctor or what ailed her. PO Bellevue never heard her or anyone else ask for her asthma pump (BR9). PO Bellevue did not request any medical attention for § 87(2)(b) at the stationhouse because she did not seem distressed anymore. He explained that whatever was distressing her on the street was not distressing her later because she did not cry or ask for medical attention. PO Bellevue determined she did not need medical attention because she was conversing normally, slept in the cell, and was calm. She was not out of breath, limping, expressing any pain, or sweating. She had no bruises and her eyes were not dilated. PO Bellevue explained to the CCRB that an arresting officer can make determinations as to civilians' medical distress and further needs. No one else ever asked for medical attention for her during the entire incident (BR9). PO Bellevue's BWC is approximately 12 minutes long. It captures his initial interaction with § 87(2)(b) but he turns it off after he calls in the final disposition of the job, before he transports § 87(2)(b) to the stationhouse. It does not capture him discussing medical issues with § 87(2)(b) (BR2).

PO Mattern heard § 87(2)(b) say she wanted her asthma pump. He did not give the pump to her on the street because he did not know where it was. She never asked for any other medical attention for anything else (BR10).

At 4:09 in PO Mattern's BWC (BR3), § 87(2)(b) states she has asthma and PO Mattern says that they will get an ambulance.

PO Mattern explained to the CCRB that he stated this because of the way she was acting, and he deemed it necessary at the time. PO Mattern said that as per their training and Patrol Guide, he could have given the asthma pump to her. If officers determine that someone needs medical attention, officers call an ambulance only when they arrive at the stationhouse. He further explained that they do not call an ambulance to a scene unless a civilian is shot or stabbed and this was not the case, so he did not call the ambulance. PO Mattern also did not call an ambulance because she stopped screaming. When he went to the stationhouse later and she told him where her asthma pump was, he gave her the asthma pump (BR10).

At 4:55 in PO Mattern's BWC after § 87(2)(b) requests her asthma pump (BR3), PO Mattern says, "we don't fucking care" while PO Weaver actively attempts to help § 87(2)(b). PO Mattern explained that he stated this because he was annoyed. He believed § 87(2)(b) could hear this statement (BR10).

PO Bellevue told § 87(2)(b) to move away from the situation as he was trying to calm § 87(2)(b) down. § 87(2)(b) did not comply and hit the other civilian who attacked him (BR7). PO Bellevue arrested him for this (BR12).

§ 87(2)(b) and § 87(2)(b) rode in the same vehicle to the stationhouse after their arrests. In the vehicle, § 87(2)(b) stated again that § 87(2)(b) was asthmatic, and PO Bellevue put the windows down for her. § 87(2)(b) believed that this gave her some relief, but she asked again for her pump, and it was not given to her (BR7). § 87(2)(b) alleged that PO Bellevue did not respond when she requested medical attention in the vehicle but turned on the air conditioning (BR6). PO Bellevue did not remember any conversation going to the stationhouse (BR9). His BWC does not capture this portion of their interaction (BR2).

§ 87(2)(b) and § 87(2)(b) said that she again requested her asthma pump at the stationhouse, and it was never given to her (BR6; BR7). § 87(2)(b) never went to the hospital and there is no documentation to show she was offered medical attention. The command log notes her physical/mental condition as normal (BR13).

NYPD Patrol Guide Procedure 210-04 on Prisoners Requiring Medical/Psychiatric Treatment states that officers must “request an ambulance and remove prisoner to hospital directly from place of arrest, if necessary” and “direct, in non-emergency situations, that prisoners requiring medical, psychiatric, or drug addiction treatment, which may result in being admitted to the hospital, be removed to a local hospital for treatment and evaluation” (BR14).

NYPD Patrol Guide Procedure 200-02 states that “The Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect” and pledges to “Value human life, respect the dignity of each individual and render our services with courtesy and civility” (BR15).

§ 87(2)(g)
The BWC shows that PO Mattern told § 87(2)(b) that he would get an ambulance for her, but no ambulance was called and PO Mattern later told § 87(2)(b) that he didn’t “fucking care” that she needed her asthma pump. § 87(2)(g)
Additionally, PO Mattern acknowledged saying, “we don’t fucking care” to § 87(2)(b) out of his own annoyance. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation D-Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b).

Allegation E- Abuse of Authority: Police Officer Job Bellevue threatened to arrest § 87(2)(b).

Allegation F- Discourtesy: Police Officer Job Bellevue spoke discourteously to § 87(2)(b).

Allegation G- Abuse of Authority: Police Officer Job Bellevue threatened to arrest § 87(2)(b).

There is no BWC or stationhouse footage for any parts of the incident at the stationhouse.

§ 87(2)(b) said officers searched his person at the stationhouse and led him into the holding pen where he saw § 87(2)(b). PO Bellevue allegedly stated that he should have been at a private party outside of work. § 87(2)(b) told PO Bellevue that at least he was getting overtime and PO Bellevue allegedly stated, “fuck the overtime” (BR7).

§ 87(2)(b) alleged that PO Bellevue stated that next time he sees § 87(2)(b) he will arrest him on a “felony.” § 87(2)(b) alleged that he heard PO Bellevue tell § 87(2)(b) that, “it is not your shit, keep your hands off other’s shit” in reference to her stealing the packages. PO Bellevue threatened to arrest § 87(2)(b) by saying, “if I see you on a stoop where you don’t live, I will arrest you for trespassing and charge you with a felony” (BR7). § 87(2)(b) also said that PO Bellevue stated that because she stole the package, he would lock her up in the future if anything went missing from the block (BR6).

PO Bellevue told the CCRB that he never spoke about any of his outside activities or working overtime with § 87(2)(b). He denied stating, “fuck the overtime.” PO Bellevue also said that he did not ever threaten to arrest § 87(2)(b) in the future (BR9).

PO Bellevue said he never used any profanities or stated, “it is not your shit, keep your hands off other’s shit.” He told § 87(2)(b) to stay away from the location and if she returned to that location and was in possession of stolen property, she would be trespassing because of this crime. She could then be arrested. This was not meant as a threat, but as providing information (BR9).

There were no cameras or other witnesses that could corroborate § 87(2)(b) allegations that PO Bellevue used discourteous language toward him and § 87(2)(b) or threatened to arrest him.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
 - [REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party (BR19).
- Police Officer Job Bellevue has been a member of service for 12 years and has been subject in 16 complaints and 32 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Police Officer Dylan Mattern has been a member of service for 3 years and has been subject in two complaints and 8 allegations, of which 3 were substantiated. § 87(2)(g) [REDACTED]
 - Case 201808743 involved substantiated allegations of a chokehold and refusal to provide medical attention against PO Mattern. The Board recommended charges and the NYPD has not yet imposed discipline.
 - Case 201900192 involved substantiated allegations of a failure to provide RTKA card against PO Mattern. The Board recommended Command Level Instructions and the NYPD imposed no penalty.

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
 - [REDACTED]

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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____